UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-33* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *26 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☒ All   b)☐ Some *   c)☐ None of:
         1.☒ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to communications filed March 27, 2008.

2.   Claims 1-33 are pending in this application. Claims 1-33 are currently amended.

3.   This application claims priority to a foreign application with foreign priority #

0303835, filed in France on March 28, 2003.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

**5.   Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject
matter which applicant regards as the invention.**

6.   The term "large variety " in claim 30 is a relative term which renders the claim

indefinite. The term "large variety of network elements" is not defined by the claim, the

specification does not provide a standard for ascertaining the requisite degree (see

specification objection in paragraph 4 of this action), and one of ordinary skill in the art

would not be reasonably apprised of the scope of the invention. Applicant must specify

both a quantity, or range, of want is meant by "large," as well as the types of elements

that could be construed as "network elements" and the criteria that are to be used in

assessing and measuring the variety therewith.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   **Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by**

Sistanizadeh et al. (Patent No. 6,681,232), hereinafter Sistanizadeh.

9.   With respect to claim 1, Sistanizadeh discloses a local assurance management

device for a network element (column 8, lines 27-50) in a communication network

equipped with a network management system (column 6, lines 41-46; column 5, lines

35-43), where said network element presents a chosen configuration (column 6, lines

1-3) and comprises means for measuring of parameter values in the network (column

19, lines 31-35), and a built-in management information base used to store

management data which are representative of said measured parameter values

(column 16, lines 13-34), wherein the device comprises management means which are

arranged to adapt the configuration of said network element according to at least said

management data stored in said management information base, and chosen rules,

known as assurance rules, defining a local assurance policy, where said adaptation

comprises a change to a measurement policy parameter and/or a change to a report

transmission policy to said network management system (column 16, lines 13-34,

column 18, lines 48-67).

10.   With respect to claim 2, Sistanizadeh discloses a device according to claim 1,

wherein said management means are arranged so as to adapt said configuration in

according to information data coming from at least one other network element (column

18, lines 48-67).

11.   With respect to claim 3, Sistanizadeh discloses a device according to claim 1,

wherein said adaptation comprises a change to a method of operation of said network

element (column 21, lines 48-51).

12.   With respect to claim 4, Sistanizadeh discloses a device according to claim 1,

wherein said management means include analysis means arranged so as to determine,

in accordance with certain of said chosen assurance rules, information data

representing the changes in time, over a chosen interval, of parameter values in the

network stored in said management information base (column 21, lines 7-14).

13.   With respect to claim 5, Sistanizadeh discloses a device according to claim 4,

wherein said analysis means are arranged so as to deliver information data

representing a trend analysis and/or an analysis of profiles or signatures and/or an

analysis of discontinuity and/or an aggregation of network parameter values (column 18, lines 63; column 19, lines 1-35).

14.   With respect to claim 6, Sistanizadeh discloses a device according to claim 4, wherein said analysis means are configurable (column 29, lines 5-14).

15.   With respect to claim 7, Sistanizadeh discloses a device according to claim 6, wherein said analysis means are arranged so as perform fresh calculations relating to the network parameters received from said network management system (column 20, lines 65-67; column 21, lines 1-14).

16.   With respect to claim 8, Sistanizadeh discloses a device according to claim 1, wherein said management means include alarm means able to trigger the sending of an alarm and/or of information data to said network management system and/or to at least one other network element, in accordance with certain of said chosen assurance rules (column 16, lines 25-34).

17.   With respect to claim 9, Sistanizadeh discloses a device according to claim 8, wherein said alarm means are configurable (column 12, lines 65-76; column 13, lines 1-6).

18.   With respect to claim 10, Sistanizadeh discloses a device according to claim 8,

wherein said information data and said alarms are representative of the results of

analyses performed by said analysis means, and/or of data aggregation, effected by

said analysis means, and/or of a network parameter value stored in said management

information base (column 12, lines 65-76; column 13, lines 1-6).

19.   With respect to claim 11, Sistanizadeh discloses a device according to claim 1,

wherein said management means include network observation means defining a flow

measurement agent of the end-to-end type, arranged so as to determine information

data which are representative of said flow of the end-to-end type in accordance with

certain of said chosen assurance rules (column 20, lines 13-26).

20.   With respect to claim 12, Sistanizadeh discloses a device according to claim 11,

wherein said network observation means are configurable (column 20, lines 35-45).

21.   With respect to claim 13, Sistanizadeh discloses a device according to claim 1,

wherein said management means include means for the management of service level

agreements or SLAs, arranged so as to determine information data representing said

agreement management in accordance with certain of said chosen assurance rules

(column 6, lines 10-30).

22.   With respect to claim 14, Sistanizadeh discloses a device according to claim 13,

wherein said service level agreement management means are configurable (column 6,

lines 10-30).

23.   With respect to claim 15, Sistanizadeh discloses a device according to claim 2,

wherein said management means include monitoring means which are able to manage

the operation of said analysis means, of said alarm means, of an network observation

means and of the service level agreement management means, in accordance with at

least some of said chosen assurance rules (column 6, lines 49-65; column 16, lines 13-

64).

24.   With respect to claim 16, Sistanizadeh discloses a device according to claim 15,

wherein said monitoring means are supplied with information data by said analysis

means and/or said network observation means and/or the service level agreement

management means, and are arranged so as to order said alarm means to generate

alarms and/or reports in the event of detecting non-compliance with an assurance rule

by received the information data (column 6, lines 49-65; column 16, lines 13-64).

25.   With respect to claim 17, Sistanizadeh discloses a device according to claim 15,

wherein said monitoring means are arranged in the form of a rule engine storing said

chosen assurance rules (column 6, lines 49-65; column 16, lines 13-64).

26.   With respect to claim 18, Sistanizadeh discloses a device according to claim 15,

wherein that said monitoring means are configurable (column 6, lines 49-65; column 16,

lines 13-64).

27.   With respect to claim 19, Sistanizadeh discloses a device according to claim 1,

wherein said management means are capable of being configured by said network

management system via an application programming interface of said network element

(column 18, lines 48-62).

28.   With respect to claim 20, Sistanizadeh discloses a device according to claim 1,

wherein said management means are capable of being configured by said network

management system via an application programming interface of said network element

and via said management information base (column 18, lines 48-62).

29.   With respect to claim 21, Sistanizadeh discloses a device according to claim 19,

wherein said analysis means and/or said alarm means and/or said network observation

means and/or said monitoring means and/or the service level agreement management

means are capable of being configured by said network management system, via said

application programming interface (column 18, lines 48-62).

30.   With respect to claim 22, Sistanizadeh discloses a device according to claim 20,

wherein said analysis means and/or said alarm means and/or said network observation

means and/or said monitoring means and/or the service level agreement management

means are capable of being configured by said network management system, via said

application programming interface and via said management information base (column

18, lines 48-62).

31.   With respect to claim 23, Sistanizadeh discloses a device according to claim 1,

wherein said management means are capable of being configured by said network

management system using dedicated commands (column 32, lines 38-51).

32.   With respect to claim 24, Sistanizadeh discloses a device according to claim 23,

wherein said analysis means and/or said alarm means and/or said network observation

means and/or said service level agreement management means and/or said monitoring

means are arranged so as to be capable of being configured by said network

management system using dedicated commands (column 30, lines 34-48; column 32,

lines 38-51).

33.   With respect to claim 25, Sistanizadeh discloses a device according to claim 23,

wherein said commands are of the "Command Line Interface" type (column 30, lines 34-

48; column 32, lines 38-51).

34.   With respect to claim 26, Sistanizadeh discloses a network element for a

communication network equipped with a network management system, where said

network element presents a chosen configuration and including means for the

measurement of parameter values in the network and a management information base

capable of storing management data representing said parameter values, wherein the

network element comprise a device or arrangement (D) in accordance with claim 1

(column 16, lines 13-34, column 18, lines 48-67).

35.   With respect to claim 27, Sistanizadeh discloses a network element in

accordance with claim 26, further comprising an application programming interface, and

wherein said management information base is capable of being configured by said

network management system via said application programming interface (column 16,

lines 13-34, column 18, lines 48-67).

36.   With respect to claim 28, Sistanizadeh discloses a network element in

accordance with claim 26, further comprising an application programming interface, and

wherein said management information base is capable of being programmed by said

network management system via said application programming interface (column 16,

lines 13-34, column 18, lines 48-67).

37.   With respect to claim 29, Sistanizadeh discloses a network element in

accordance with claim 26, wherein the network element is chosen from a group which

includes at least one of routers, switches and firewalls (column 12, lines 65-67; column

13, lines 1-6).

38.   With respect to claim 30, Sistanizadeh discloses a communication network

according to claim 26, comprising a network management system, wherein the

communication network comprises a large variety of network elements comprising at

least one of a server equipped with a firewall, a switch, an edge router, or a core router

(column 12, lines 65-67; column 13, lines 1-6; column 19, lines 65-67; column 20, lines

1-10; column 11, lines 14-22).

39.   With respect to claim 31, Sistanizadeh discloses a network in accordance with

claim 30, wherein each network element is arranged to deliver alarms and/or

information data of various types to said network management system (column 16, lines

25-34).

40.   With respect to claim 32, Sistanizadeh discloses a method managing network

technologies comprising:

        Applying a local assurance managing device for a network element in a

communication network equipped with a network management system

        Wherein said network element presents a chosen configuration and comprises

means for measuring parameter values in the network, and a built-in management

information base used to store management data which are representative of said

measure parameter values, and

Wherein the deivce comprises management means which are arranged to adapt

the configuration of said network elements according to at least said management data

stored in said management information base, and chosen rules, known as assurance

rules, defining a local assurance policy, where said adaptation comprises a change to a

measurement policy parameter and/or a change to a report transmission policy to said

network management system (column 19, lines 65-67; column 20, lines 1-10).

41.   With respect to claim 33, Sistanizadeh discloses a method according to claim 22,

wherein said network technologies are chosen from a group which includes

transmission networks, comprising at least one of a Wavelength Division Multiplexing

(WDM), a Synchronous Optical NETwork (SONET), and a Synchronous Digital

Hierarchy (SDH) type, management networks, of the Internet-IP and Asynchronous

Transfer Mode (ATM) type, and speech networks, of the conventional, mobile and Next

Generation Network (NGN) type (column 9, lines 40-50).

Response to Arguments

42.   Applicant's arguments filed March 27, 2008 have been fully considered but they

are not persuasive.

43.   With respect to claim 1, applicant argues that Sistanizadeh does not disclose

changing the configuration of the network according to management data and

assurance rules, implementing a change to a report transmission policy, a local

assurance policy, or a change to a measurement policy parameter and/or a change to a

report transmission policy, as recited in the claimed invention.

The examiner respectfully disagrees. Sistanizadeh discloses changing the

configuration of the network according to management data and assurance rules

(column 21, lines 45-64, where the *management module instructs* anticipates

management data, and *necessary configuration changes to provide the increased*

bandwidth anticipates changing the configuration according to an assurance rule),

implementing a change to a report transmission policy (column 17, lines 50-53, where

the *QoS monitoring/reporting* anticipates a report transmission policy), a local

assurance policy (column 17, lines 56-61, where the *SLM* anticipates a local assurance

policy), and a change to a measurement policy parameter and/or a change to a report

transmission policy (column 18, lines 20-32, where the *increase and decrease [in]*

bandwidth subscriptions anticipates a change to a measurement policy parameter;

column 17, lines 50-53, where *QoS monitoring/reporting* anticipates a change to a

report transmission policy as a result of *automatic bandwidth increases/decreases*).

44.   With respect to claim 2, applicant argues that "provisioning service" of

Sistanizadeh receives requests to increase bandwidth, decrease bandwidth, etc. at a

user request but does not disclose "adapt said configuration according to information

data coming from at least one other network element" as recited in the claim.

The examiner respectfully disagrees. Sistanizadeh discloses the adaptation of

the configuration data coming from at least one other network element (column 18, lines

56-59, where the *provisioning service* anticipates the information data coming from

another network element as a result of submitting *the information to the relevant*

devices in the network).

45.   With respect to claim 3, applicant argues that Sistanizadeh, however, changes

the bandwidth per a customer demand, but changing the bandwidth of the agent does

not disclose "wherein said adaptation comprises a change to a method of operation of

said network element" as recited in the claim.

         The examiner respectfully disagrees. Sistanizadeh discloses the adaptation

comprises a change to a method of operation of said network element (column 19, lines

39-44, where the combination of the *management service* and *utility service* anticipates

the changing of a method of operation as a result of the *shutdown and restart* of

network elements).

46.   With respect to claim 4, applicant argues the agents of Sistanizadeh merely

report raw data over a time period, but do not disclose that the information data is in

accordance to "chosen assurance rules" as recited in the claimed invention. Further,

there is no teaching or suggestion regarding the relationship of the claimed analysis

means with the management information base.

         The examiner respectfully disagrees. Sistanizadeh discloses the information

data is in accordance to chosen assurance rules (column 25, lines 20-25, where the

latency agent anticipates the chosen assurance rule as a result of *an alarm* triggered *a*

respective threshold value is exceeded), and the relationship between the analysis

means with the management information base (column 8, lines 44-48, where *SNMP*

Agents collect and report MIB attributes anticipates such a relationship).

47.   With respect to claim 5, applicant argues that Sistanizadeh periodically captures

data from the network agents and updates dynamic data about network operations, but

does not disclose delivering information data on "trend analysis and/or an analysis of

profiles or signatures and/or an analysis of discontinuity and/or an aggregation of

network parameter values".

       The examiner respectfully disagrees. Sistanizadeh discloses trend analysis of

profiles (column 23, lines 50-55, where the *RMON* anticipated the trend analysis of

profiles rule as a result of *trend analysis and proactive performance monitoring*).

48.   With respect to claim 8 recites, applicant argues that Sistanizadeh does not

disclose that the SNMP agent operates in accordance with "chosen assurance rules".

       The examiner respectfully disagrees. Sistanizadeh discloses the SNMP agent

operates in accordance with "chosen assurance rules" (column 7, lines 41-46, column

8, lines 27-33, where the SNMP agent is an extension of the SLM, which operates in

accordance with chosen assurance rules).

49.   With respect to claim 11, applicant argues the Order Manager of Sistanizadeh

does not disclose "network observation means defining a flow measurement agent of

the end-to-end type, arranged so as to determine information data which are

representative of said flow of the end-to-end type in accordance with certain of said

chosen assurance rules".

The examiner respectfully disagrees. Sistanizadeh discloses the network

observation means defining a flow measurement agent of the end-to-end type, arranged

so as to determine information data which are representative of said flow of the end-to-

end type in accordance with certain of said chosen assurance rules (column 20, lines

13-26, where *keeping track of the progress* and informing *members of the functional

groups of the status of the orders* anticipates a flow measurement device).

50.   With respect to claim 12, applicant argues that Sistanizadeh does not disclose

observation means but merely describes the handling of orders.

The examiner respectfully disagrees. Sistanizadeh discloses observation means

(column 20, lines 13-26, where the *observation* means anticipate observation means,

defined as a flow measurement agents as provided in the specification, as a result of

keeping track of Orders).

51.   With respect to claim 13, applicant argues that Sistanizadeh does not disclose

that the operations support systems ensure performance in accord with the service level

agreements and "chosen assurance rules".

The examiner respectfully disagrees. Sistanizadeh discloses the operations

support systems ensure performance in accord with the service level agreements and

"chosen assurance rules" (column 6, lines 10-30, where the *chosen assurance rules* are

anticipated by *each profile* as a result of these [profiles] *parameters are formalized in*

the form of a contracted service level agreement).

52.   With respect to claim 15, applicant argues that Sistanizadeh does not disclose

that the service level manager operates in accordance with "at least some of said

chosen assurance rules".

The examiner respectfully disagrees. Sistanizadeh discloses the service level

manager operates in accordance with "at least some of said chosen assurance rules".

(column 6, lines 10-56, where the *chosen assurance rules* are anticipated by *each*

profile as a result of these [profiles] *parameters are formalized in the form of a*

contracted service level agreement).

53.   With respect to claim 20, applicant argues that Sistanizadeh does not disclose

that the SNMP agent or any "management means are capable of being configured by

said network management system...via said management information base".

The examiner respectfully disagrees. Sistanizadeh discloses the SNMP agent or

any "management means are capable of being configured by said network management

system...via said management information base" (column 18, lines 48-62; column 16,

lines 13-35, where the configuration of the management means are anticipated by the

SNMP agent via an MIB *queries agents and receives responses, sets variables in*

agents).

54.   With respect to claim 25, applicant argues Sistanizadeh does not disclose a

"Command Line Interface" as recited in the claimed invention.

The examiner respectfully disagrees. Sistanizadeh discloses a "Command Line

Interface" type (column 32, lines 38-51, where the *telnet session* anticipates a command

line interface as a result of presenting a *login prompt as in a normal console*

connection).

Conclusion

55.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

56.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571) 270-3802. The examiner can normally be reached on M-R: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJR

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157